

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10**

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READY MIX USA, LLC,

And

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, LOCAL 402

Cases: 10-CA-140059  
10-CA-143601  
10-CA-145224  
10-CA-147703  
10-CA-148185

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**CHARGING PARTY'S ADDENDUM IN SUPPORT OF CROSS-EXCEPTION TO THE  
DECISION OF THE ADMINISTRATIVE LAW JUDGE**

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COMES NOW, the Charging Party, Teamsters Local Union 402 (hereinafter "Union"), pursuant to Rule 29 CFR § 102.46(h), and files its Addendum in Support of Cross-Exceptions to the Decision of Administrative Law Judge David I. Goldman (hereinafter "ALJ") in this matter issued on September 15, 2015.

On November 24, 2015, Counsel for Ready Mix U.S.A. (hereinafter "Ready Mix") wrote a letter to NLRB Executive Secretary Gary Shinnars requesting that the Board review the Regional Director's decision to hold in abeyance the decertification petition pending the decision of the Board on the exceptions and cross-exceptions in this matter. (See Request for Review and Supporting Documents, attached as Exhibit 1). The single cross-exception filed by the Union in this matter objects to the ALJ's decision not to extend the certification year. The reason the Union filed its cross-exception is because it (correctly) anticipated that Ready Mix would file a decertification election in an effort to subvert the Union's rights to organize and negotiate.

The ALJ found in his decision that Ready Mix violated the Act by restricting solicitation and distribution of Union materials; by unilaterally implementing an employee "drive cam"

system without providing prior notice to the Union or giving the Union an opportunity to bargain over its effects; by unlawfully delaying responses to the Union's information requests; and, as noted in the Union's cross-exception, by wrongfully refusing to meet and collectively bargain with the Union if Jerry Davis, a Union representative, was present at those meetings. When Ready-Mix refused to bargain with the Union's chosen representatives for seven months (February 26, 2015 through September 15, 2015), the Union's rights to bargain and negotiate with the company were wholly undermined. The Company's continued efforts to decertify the Union are consistent with the Company's long-running stratagem of depriving Ready-Mix employees of their rights to organize, collectively bargain, and negotiate. The Union believes it is important that, for purposes of the Union's cross exception, the Board consider the Company's continued malfeasance in relation to the Union's cross-exception.

Respectfully Submitted

s/ Samuel Morris  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2015, the foregoing REQUEST FOR LEAVE TO FILE ADDENDUM IN SUPPORT OF CROSS-EXCEPTION was served via electronic mail and U.S. Mail upon:

### **FOR THE GENERAL COUNSEL**

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### **FOR CHARGING PARTY INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 402**

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### **FOR THE NLRB**

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